

Application No.: 10/769,884

Docket No.: 4444-076

AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawing includes changes to Figs. 1-5.

Application No.: 10/769,884**Docket No.: 4444-076****REMARKS**

The title of the application has been changed, as required. New drawings including legends are submitted, a cross-reference to the French application relied on for priority and headings (as required) are inserted. A slight correction of the specification has been made. The claims have been amended for clarity. Claim 7 has been cancelled and the subject matter there has been included in claim 1. Claim 8 has been canceled for clarity and the subject matter thereof, in combination with the subject matter of former claim 7, have been incorporated into new claim 18. Claim 17 has been added to provide applicants with the protection to which they are deemed entitled, and claims 9 and 10 have been cancelled to expedite prosecution. The claims are now presented in accordance with US practice, e.g., to eliminate reference numerals and "characterizing" clauses, to assure infringement of the apparatus claim prior to the time of the goods being put into use in to illuminate the possibility of an interpretation under 35 USC 112, paragraph 6.

Applicant traverses the rejection of claim 7 as being anticipated by Proctor et al USP 6,072,030. Former claim 7, the subject matter of which is now included in claims 1 and 18, required the predetermined criteria of claim 1 to depend on the size of the block. Applicant does not agree with the Examiner's Office Action allegation that this feature is disclosed by Proctor, at col. 10, lines 9-10 and 39-41.

The relied on passage of Proctor concerns a background detector, not an encoder. Column 10, lines 9, 10 and 39-41, discusses application of a threshold T_{bg} to different block sizes but does not disclose that this resemblance is determined by criteria (that is more than one criterion), all of which depend on the length x height dimensions of the block. Consequently, the anticipation rejection of former claim 7 was wrong. Because all remaining claims depend on or include the foregoing limitations and the secondary reference relied on to reject some of the dependent claims do not include these limitations, allowance of all claims is in order.

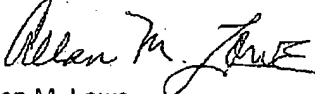
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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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